HON'BLE SRI JUSTICE D.S.R. VARMA

WRIT PETITION NO. 10153 OF 1995

Between:

The Management of Singareni Collieries Company Limited, Area-I, Ramagundam Division, GodavariKhani, represented by its General Manager.

...

Petitioner

AND

The Presiding Officer, Industrial Tribunal-I, Chandra Vihar, M.J. Road, Hyderabad and one another.

....Respondents

HON'BLE SRI JUSTICE D.S.R. VARMA

WRIT PETITION NO. 10153 OF 1995

ORAL ORDER :

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Labour, appearing on behalf of the respondent No.2.

2. The award, dated 31.3.1994, passed by the Industrial Tribunal-I, Hyderabad (for brevity "the Tribunal"), in I.D.No.22 of 1989, is under challenge in the present writ petition.

3. The subject matter of the reference to the Tribunal for adjudication is as under:

> " Whether the action of the management of M/s Singareni Collieries Co. Limited, Area-I Ramagundam Division in denying promotion from Category V to Category VI to Sri Ramaraju, Fitter Category V Building Department, is justified? Workman concerned is entitled?"

4. In order to substantiate their respective contentions, the workmen examined its Vice-President as W.W-1 and got marked Exs.W-1 to W-8 on its behalf. On behalf of the management, M.W-1 and M.W-2 were examined and Exs.M-1 to M-7 were marked.

5. The Tribunal having gone into the merits of the case, and relying upon the evidence, both oral and documentary, available on

record, eventually directed to promote the Vice-President of the workmen (W.W-1) from Category V to Category IV from 1.6.1983 with all consequential benefits including arrears of wages and all other attendant benefits.

6. The Tribunal had gone into the whole case and recorded the finding that the Vice-President of the workmen is entitled to the promotion from Category V to Category IV. Therefore, this Court, exercising jurisdiction under Article 226 of the Constitution of India, cannot reappraise the whole evidence on record and arrive at a different conclusion than the one arrived at by the Tribunal. Further, a perusal of the impugned award discloses that the Tribunal had given cogent and convincing reasons and hence the impugned award, in my view, does not warrant any interference by this Court.

7. For the foregoing, the writ petition fails and is liable to be dismissed.

8. In the result, the Writ Petition is dismissed. No order as to Costs.

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D.S.R. VARMA, J

DATE: 22.8.2006
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